



The Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

Matter of: Pem All Fire Extinguisher Corporation  
File: B-231787  
Date: August 24, 1988

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### DIGEST

To be considered an interested party to protest under the Competition in Contracting Act of 1984 and General Accounting Office Bid Protest Regulations, a party must be an actual or prospective bidder or offeror whose direct economic interest would be affected by the award or failure to award the contract at issue. A potential supplier to the successful offeror which is not an actual bidder or offeror itself is not an interested party to challenge the contracting agency's decision regarding the technical acceptability of actual offerors' proposals.

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### DECISION

Pem All Fire Extinguisher Corporation protests the award of a contract for a halon fire suppression system under request for proposals (RFP) No. DTCG23-87-R-10028, issued by the United States Coast Guard on a brand name or equal basis. Several offerors proposed to provide the Pem All Fire Suppression System, manufactured by the protester, as equal to the brand name system. Pem All protests the Coast Guard's decision to reject as technically unacceptable those proposals which offered the Pem All system, alleging that its system does, in fact, meet the technical requirements of the solicitation and that offerors should have been given an opportunity to demonstrate their ability to comply with the specifications through discussions with the Coast Guard. We dismiss the protest.

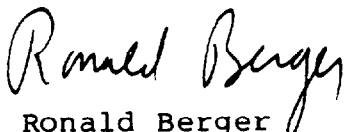
The Coast Guard received and evaluated seven proposals under the RFP, five of which offered the Pem All system as equal to the brand name system. The Coast Guard's technical evaluation team found that the Pem All system proposed by the offerors failed to meet several of the salient characteristics specified in the solicitation. The protester

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did not submit an offer; its interest in the procurement is as a potential supplier to the successful offeror.

Our Office will only review protests that are filed by a party that meets the definition of an interested party. T-L-C Systems, B-230086, Feb. 26, 1988, 88-1 CPD ¶ 204. The Competition in Contracting Act of 1984 (CICA), 31 U.S.C. § 3551(2) (Supp. IV 1986), defines an interested party for purposes of eligibility to protest as an actual or prospective bidder or offeror whose direct economic interest would be affected by the award or failure to award a contract. This statutory definition is reflected in our Bid Protest Regulations, which implement CICA. See 4 C.F.R. § 21.0(a) (1988). Because Pem All is a potential supplier of the fire suppression system to the successful offeror and not an offeror itself, it is not an interested party under CICA and our regulations to protest the Coast Guard's decision regarding the technical acceptability of the actual offerors' proposals. Protective Materials Co., Inc., B-225495, Mar. 18, 1987, 87-1 CPD ¶ 303.

The protest is dismissed.

  
Ronald Berger  
Deputy Associate  
General Counsel